

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE: ACandS, Inc.	)	Bankruptcy Case No. 02-12687 (JKF)
	)	
	)	
MICHAEL POPE, <i>et al.</i> ,	)	Civil Action No. 04-1406 (JJF)
	)	
Appellants,	)	
	)	
v.	)	Adversary Case No. 04-55225 (PBL)
	)	
DAN B. LAIN, <i>et al.</i> ,	)	
	)	
Appellees	)	

**STIPULATION OF AGREEMENT OF VOLUNTARY DISMISSAL OF  
APPEAL PURSUANT TO BANKRUPTCY RULE 8001(C)(2)**

Pursuant to Bankruptcy Rule 8001(c)(2), the parties to the above-captioned appeal, do hereby agree to the voluntary dismissal of the appeal of the Order of the Honorable Judith K. Fitzgerald, United States Bankruptcy Judge, entered on October 28, 2004 (the "Order") (Adv. Docket No. 8) (the "Appeal"). A Notice of Appeal of the Order was filed by Appellants on October 28, 2004 (Adv. Docket No. 9; Main Case Docket No. 1592).

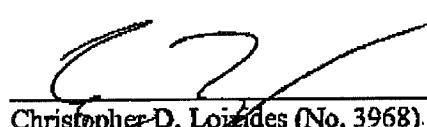
The parties do hereby further agree to pay any court costs or fees associated with the Appeal or the voluntary dismissal thereof. Such costs and fees shall be borne by that party which incurred the respective cost or fee.

Jul. 8. 2005 4:40PMLLC.Christopher D. Loizides PC

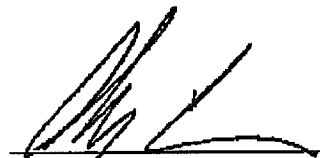
07/08/2005 15 No. 56114 P.P. 3'003

A proposed form of Order dismissing the Appeal is annexed hereto.

Dated: 7/8/05

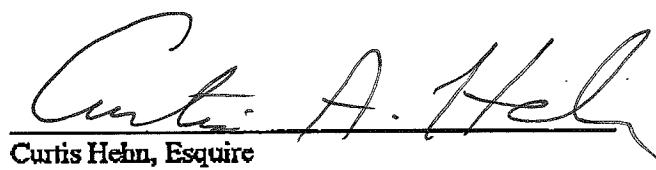
  
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Dated: 7/7/05

  
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Anthony DeFabbo and Eric Travers*

Dated: 7/11/05

  
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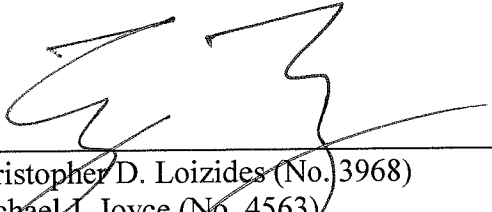
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	)	
Appellees	)	

**CERTIFICATE OF SERVICE**

I, Christopher D. Loizides, hereby certify that on the 12<sup>th</sup> day of July, 2005, I did cause to be served true and correct copies of the foregoing **Stipulation of Agreement of Voluntary Dismissal of Appeal Pursuant to Bankruptcy Rule 8001(C)(2)** on the parties listed on the attached service list as indicated thereon.

Dated: July 12, 2005

  
\_\_\_\_\_  
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**SERVICE LIST**

**VIA FACSIMILE AND FIRST CLASS MAIL**

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